

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

FERN LYEASHA ROBINZINE,

Plaintiff,

v.

Case No. 08-CV-11

MICHAEL J. ASTRUE, Commissioner for
Social Security Administration,

Defendant.

ORDER

On January 7, 2008, plaintiff Fern Lyeasha Robinzine filed a complaint pursuant to 42 U.S.C. § 405(g) seeking review of the denial of her claim for social security disability benefits. In connection with her complaint, the plaintiff filed a motion to proceed in forma pauperis.

Title 28 U.S.C. § 1915 is designed to ensure that indigent litigants have meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 324 (1989) (citing *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 342-43 (1948)). To authorize a litigant to proceed in forma pauperis, the court must first determine that the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). To proceed in forma pauperis, the litigant must show he or she is unable to “pay or give security for the costs . . . and still be able to provide himself and dependents with the necessities of life.” *Adkins*, 335 U.S. at 339.

In evaluating the funds available to the litigant requesting leave to proceed in forma pauperis, courts may consider the income or resources of interested persons,

such as spouses. See *Akkaraju v. Ashcroft*, 2003 U.S. Dist. LEXIS 17106, 2003 WL 22232969, at *1 (N.D. Ill. Sept. 25, 2003); *Bryant v. Whalen*, 1992 U.S. Dist. LEXIS 11996, 1992 WL 198946, at *5 (N.D. Ill. Aug. 12, 1992); *Fridman v. City of New York*, 195 F. Supp. 2d 534, 537 (S.D.N.Y. 2002) ("In assessing an application to proceed in forma pauperis, a court may consider the resources that the applicant has or can get from those who ordinarily provide the applicant with the necessities of life, such as from a spouse, parent, adult sibling or other next friend.").

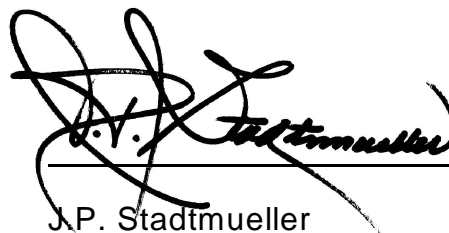
The plaintiff's petition for leave to proceed in forma pauperis indicates that she has \$40 in savings, no legal dependents, that her monthly expenses range from \$730 to \$780, and that her spouse is employed with a monthly income of \$1,000. Accordingly, the concludes that the plaintiff is able to pay the filing fee in this action without deprivation of life's necessities. See *Adkins*, 335 U.S. at 339.

Accordingly,

IT IS ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Docket # 2) be and the same is hereby **DENIED**. The plaintiff shall pay the filing fee in this action within thirty (30) days from the date of this order or the court will dismiss this action without prejudice.

Dated at Milwaukee, Wisconsin, this 10th day of January, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge